IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Civil Application No. 206 of 2007
in
Writ Petition No. 3421 of 1997

Smt.S.V.Kedari ..Applicant

vs.

1. Union of India through the General Manager, Central Railway and another ..Respondents

Shri Sandeep Marne for applicant
Shri A.N.Samant for respondents.

CORAM: S.B.MHASE &
Smt.NISHITA MAHTRE JJ.
13th February, 2007

P.C.

1. Heard both sides.

2. This is an application seeking withdrawal of the amount of family pension deposited by the respondents from 1st April, 2003 onwards. The family pension has been deposited by the respondents every six months. Presently the family pension amount from 1st April, 2003 to 31st December, 2006 has been deposited with this Court by the respondents and this is an application for a direction allowing the applicant to withdraw the said amount.

3. Our attention was brought to the order

dated 11th June, 1998. By the said order while granting interim relief in terms of prayer clause (b), condition was imposed that before 31st July, 1998, the petitioners deposit in this Court the entire amount of arrears of pension payable under the operative order of the C.A.T. and further that they deposit the pension amount payable under the said order of C.A.T. every six months from the said date. It was further directed that the Registry should invest the amounts deposited by the petitioners in a fixed deposit of a Nationalised Bank for an initial period of three years and thereafter to keep the said fixed deposit renewed from time to time during the pendency of the writ petition. Simultaneously liberty was granted to the respondents to apply for withdrawal of the amount deposited.

4. In view of this order the original appellants/railway administration has continuously deposited the amount in this Court after every six months period and the said amount instead of being invested as per the directions of this Court were allowed to be withdrawn every time. Thus, the amount upto 31st March, 2003 has been permitted by

this Court to be withdrawn and the applicant/original respondent has received the said amount. Under these circumstances, now the amounts which are lying deposited in this Court are for the period from 1st April, 2003 to 31st December, 2006 and the said amount is being claimed. Shri Samant when asked about the withdrawal of the said amount he stated that the Court may do it as it found fit in the circumstances of the case. We find that earlierl this amount has been released in favour of the applicant and, therefore, we are inclined to release the said amount in favour of the applicant. We have further noted that the ultimate result is that from the date of deposit at various times the civil applications are made and the amounts have been withdrawn by the applicant. This time the applicant has prayed that the amount be directed to be paid directly instead of having a circuitous method of withdrawal of the amounts which are deposited pursuant to the order dated 11th June, 1998 referred to above and instead provide a direct mechanism of payment to the applicant. We, therefore, direct as under: . The amount which has been deposited by the respondent/original appellant from 1st April, 2003 to 31st December, 2006

shall be paid to the applicant/original respondent. We further direct the original appellant/respondent in this Civil Application to make payment of family pension for every six months to the applicant directly instead of depositing the same in this Court and thus the order dated 11th June, 1998 stands modified to that effect.

. Civil Application is disposed of in the above terms.

(Smt.NISHITA MHATRE J.) **(S.B.MHASE J.)**